



Entered on Docket  
November 09, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The HFAH Clear Lake, LLC Loan**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The HFAH Clear Lake, LLC Loan ("HFAH Clear Lake, LLC Loan") [DE 8893] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the HFAH Clear Lake, LLC  
2 Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8893] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed because those claims are based entirely upon an investment in the HFAH Clear  
7 Lake, LLC Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

## USACM Trust

## HFAH Clear Lake, LLC

## Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Approximate Investment In the HFAH Clear Lake, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-00679	10/23/2006	Richard A Nielsen Incorporated PSP	1305 Bonnie Cove Ave Glendora, CA 91740-5204	100,000.00	80,000.00	20,000.00
10725-00573	10/13/2006	Schroeder, David W	864 Granville Ave Apt 1 Los Angeles, CA 90049-5422	50,000.00	40,000.00	10,000.00
10726-00031	9/29/2006	Sturza, Harold	2705 Orchid Valley Dr. Las Vegas, NV 89134-7327	50,000.00	40,000.00	10,000.00
10725-00717	10/24/2006	Suzanne Liewer 2000 Revocable Trust Dtd 1/18/00	C/O Suzanne Liewer Trustee 6 Eddystone Ct Redwood City, CA 94065-1264	51,500.00	41,200.00	10,300.00
10725-00372	10/2/2006	Underpass Trust	Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	50,000.00	40,000.00	10,000.00
10725-00067	6/19/2006	Weber, Heinrich & Brigitte	2099 Westglen Ct Reno, NV 89523	152,050.00	121,640.00	30,410.00

EXHIBIT A

2414596.1